

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

JAN 30 2008

GEORGE HENSON, JR.,

Plaintiff,

v.

Civil Action No. 3:07CV694

J.N. DILLMAN,

Defendant.

**MEMORANDUM OPINION**

George Henson, Jr., a Virginia inmate, submitted this action and requested leave to proceed in forma pauperis. A prisoner is prohibited from proceeding in forma pauperis:

if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Henson had at least three actions or appeals that were dismissed as frivolous, malicious, or for failure to state a claim upon which relief could be granted. See Henson v. Stokes, No. 00-7787 (4th Cir. Mar. 30, 2001). Henson's complaint did not contain any coherent indication that Henson was in imminent danger of serious physical harm. Therefore, by Memorandum Order entered on November 23, 2007, the Court denied Henson's request to proceed in forma pauperis and directed Henson to pay the \$350.00 filing fee within eleven (11) days of the date of entry thereof.

More than eleven (11) days have elapsed since the entry of the November 23, 2007 Memorandum Order and Henson has not paid the full filing fee. Instead, Henson submitted an improper interlocutory appeal. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

The Clerk is DIRECTED to send a copy of the Memorandum Opinion to Henson.

It is so ORDERED.

/s/

*RE*

Robert E. Payne  
Senior United States District Judge

Richmond, Virginia  
Date: JAN 30 2008